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(Original Signature of Member)

117TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To amend the National Environmental Policy Act of 1969 to impose time limits on the completion of certain required actions under the Act, and for other purposes.

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**IN THE HOUSE OF REPRESENTATIVES**

Mr. SCHWEIKERT introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend the National Environmental Policy Act of 1969 to impose time limits on the completion of certain required actions under the Act, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “NEPA Accountability  
5       and Enforcement Act”.

1 **SEC. 2. NATIONAL ENVIRONMENTAL POLICY ACT**  
2 **TIMELINES.**

3 Title I of the National Environmental Policy Act of  
4 1969 is amended—

5 (1) by redesignating section 105 (42 U.S.C.  
6 4335) as section 106; and

7 (2) by inserting after section 104 (42 U.S.C.  
8 4334) the following:

9 **“SEC. 105. APPLICABLE TIMELINES.**

10 **“(a) DEFINITIONS.—**In this section:

11 **“(1) ENVIRONMENTAL IMPACT STATEMENT.—**

12 The term ‘environmental impact statement’ means a  
13 detailed statement required under section 102(2)(C).

14 **“(2) FEDERAL AGENCY.—**The term ‘Federal  
15 agency’ includes a State that has assumed responsi-  
16 bility under section 327 of title 23, United States  
17 Code.

18 **“(3) HEAD OF A FEDERAL AGENCY.—**The term  
19 ‘head of a Federal agency’ includes the governor or  
20 head of an applicable State agency of a State that  
21 has assumed responsibility under section 327 of title  
22 23, United States Code.

23 **“(4) NEPA PROCESS.—**

24 **“(A) IN GENERAL.—**The term ‘NEPA  
25 process’ means the entirety of every process,  
26 analysis, or other measure, including an envi-

1           ronmental impact statement, required to be car-  
2           ried out by a Federal agency under this title be-  
3           fore the agency undertakes a proposed action.

4                 “(B) PERIOD.—For purposes of subpara-  
5           graph (A), the NEPA process—

6                         “(i) begins on the date on which the  
7                         head of a Federal agency receives an appli-  
8                         cation for a proposed action from a project  
9                         sponsor; and

10                        “(ii) ends on the date on which the  
11                        Federal agency issues, with respect to the  
12                        proposed action—

13                                 “(I) a record of decision, includ-  
14                                 ing, if necessary, a revised record of  
15                                 decision;

16                                “(II) a finding of no significant  
17                                impact; or

18                                “(III) a categorical exclusion  
19                                under this title.

20                 “(5) PROJECT SPONSOR.—The term ‘project  
21           sponsor’ means a Federal agency or other entity, in-  
22           cluding a private or public-private entity, that seeks  
23           approval of a proposed action.

24                 “(b) APPLICABLE TIMELINES.—

25                         “(1) NEPA PROCESS.—

1           “(A) IN GENERAL.—The head of a Federal  
2           agency shall complete the NEPA process for a  
3           proposed action of the Federal agency, as de-  
4           scribed in subsection (a)(4)(B)(ii), shall not  
5           take longer than 2 years from notice of intent  
6           to record of decision, or not longer than when  
7           the agency first received the project to notice of  
8           intent, whichever comes first.

9           “(B) ENVIRONMENTAL DOCUMENTS.—  
10          Within the period described in subparagraph  
11          (A), not later than 1 year after the date de-  
12          scribed in subsection (a)(4)(B)(i), the head of  
13          the Federal agency shall, with respect to the  
14          proposed action—

15                 “(i) issue—

16                         “(I) a finding that a categorical  
17                         exclusion applies to the proposed ac-  
18                         tion; or

19                         “(II) a finding of no significant  
20                         impact; or

21                 “(ii) publish a notice of intent to pre-  
22                 pare an environmental impact statement in  
23                 the Federal Register.

24           “(C) ENVIRONMENTAL IMPACT STATE-  
25          MENT.—If the head of a Federal agency pub-

lishes a notice of intent described in subparagraph (B)(ii), within the period described in subparagraph (A) and not later than 2 years after the date on which the head of the Federal agency publishes the notice of intent, the head of the Federal agency shall complete the environmental impact statement and, if necessary, any supplemental environmental impact statement for the proposed action.

“(D) PENALTIES.—

“(i) DEFINITIONS.—In this subparagraph:

“(I) DIRECTOR.—The term ‘Director’ means the Director of the Office of Management and Budget.

“(II) FEDERAL AGENCY.—The term ‘Federal agency’ does not include a State.

“(III) FINAL NEPA COMPLIANCE DATE.—The term ‘final NEPA compliance date’, with respect to a proposed action, means the date by which the head of a Federal agency is required to complete the NEPA process under subparagraph (A).

1                   “(IV) HEAD OF A FEDERAL  
2 AGENCY.—The term ‘head of a Fed-  
3 eral agency’ does not include the gov-  
4 ernor or head of a State agency of a  
5 State.

6                   “(V) INITIAL EIS COMPLIANCE  
7 DATE.—The term ‘initial EIS compli-  
8 ance date’, with respect to a proposed  
9 action for which a Federal agency  
10 published a notice of intent described  
11 in subparagraph (B)(ii), means the  
12 date by which an environmental im-  
13 pact statement for that proposed ac-  
14 tion is required to be completed under  
15 subparagraph (C).

16                   “(VI) INITIAL NEPA COMPLIANCE  
17 DATE.—The term ‘initial NEPA com-  
18 pliance date’, with respect to a pro-  
19 posed action, means the date by which  
20 the head of a Federal agency is re-  
21 quired to issue or publish a document  
22 described in subparagraph (B) for  
23 that proposed action under that sub-  
24 paragraph.

1 “(VII) INITIAL NONCOMPLIANCE  
2 DETERMINATION.—The term ‘initial  
3 noncompliance determination’ means  
4 a determination under clause  
5 (ii)(I)(bb) that the head of a Federal  
6 agency has not complied with the re-  
7 quirements of subparagraph (A), (B),  
8 or (C).

9 “(ii) INITIAL NONCOMPLIANCE.—

10 “(I) DETERMINATION.—

11 “(aa) NOTIFICATION.—As  
12 soon as practicable after the date  
13 described in subsection  
14 (a)(4)(B)(i) for a proposed action  
15 of a Federal agency, the head of  
16 the Federal agency shall notify  
17 the Director that the head of the  
18 Federal agency is beginning the  
19 NEPA process for that proposed  
20 action.

21 “(bb) DETERMINATIONS OF  
22 COMPLIANCE.—

23 “(AA) INITIAL DETER-  
24 MINATION.—As soon as  
25 practicable after the initial

1 NEPA compliance date for a  
2 proposed action, the Direc-  
3 tor shall determine whether,  
4 as of the initial NEPA com-  
5 pliance date, the head of the  
6 Federal agency has complied  
7 with subparagraph (B) for  
8 that proposed action.

9 “(BB) ENVIRON-  
10 MENTAL IMPACT STATE-  
11 MENT.—With respect to a  
12 proposed action of a Federal  
13 agency in which the head of  
14 the Federal agency publishes  
15 a notice of intent described  
16 in subparagraph (B)(ii), as  
17 soon as practicable after the  
18 initial EIS compliance date  
19 for a proposed action, the  
20 Director shall determine  
21 whether, as of the initial  
22 EIS compliance date, the  
23 head of the Federal agency  
24 has complied with subpara-



1 graph (C) for that proposed  
2 action.

3 “(CC) COMPLETION OF  
4 NEPA PROCESS.—As soon as  
5 practicable after the final  
6 NEPA compliance date for a  
7 proposed action, the Direc-  
8 tor shall determine whether,  
9 as of the final NEPA com-  
10 pliance date, the head of the  
11 Federal agency has complied  
12 with subparagraph (A) for  
13 that proposed action.

14 “(II) IDENTIFICATION; PENALTY;  
15 NOTIFICATION.—If the Director  
16 makes an initial noncompliance deter-  
17 mination for a proposed action—

18 “(aa) the Director shall  
19 identify the account for the sala-  
20 ries and expenses of the office of  
21 the head of the Federal agency,  
22 or an equivalent account;

23 “(bb) beginning on the day  
24 after the date on which the Di-  
25 rector makes the initial non-

1 compliance determination, the  
2 amount that the head of the Fed-  
3 eral agency may obligate from  
4 the account identified under item  
5 (aa) for the fiscal year during  
6 which the determination is made  
7 shall be reduced by 0.5 percent  
8 from the amount initially made  
9 available for the account for that  
10 fiscal year; and

11 “(cc) the Director shall no-  
12 tify the head of the Federal  
13 agency of—

14 “(AA) the initial non-  
15 compliance determination;

16 “(BB) the account  
17 identified under item (aa);  
18 and

19 “(CC) the reduction  
20 under item (bb).

21 “(iii) CONTINUED NONCOMPLIANCE.—

22 “(I) DETERMINATION.—Every  
23 90 days after the date of an initial  
24 noncompliance determination, the Di-  
25 rector shall determine whether the

1 head of the Federal agency has com-  
2 plied with the applicable requirements  
3 of subparagraphs (A) through (C) for  
4 the proposed action, until the date on  
5 which the Director determines that  
6 the head of the Federal agency has  
7 completed the NEPA process for the  
8 proposed action.

9 “(II) PENALTY; NOTIFICATION.—  
10 For each determination made by the  
11 Director under subclause (I) that the  
12 head of a Federal agency has not  
13 complied with a requirement of sub-  
14 paragraph (A), (B), or (C) for a pro-  
15 posed action—

16 “(aa) the amount that the  
17 head of the Federal agency may  
18 obligate from the account identi-  
19 fied under clause (ii)(II)(aa) for  
20 the fiscal year during which the  
21 most recent determination under  
22 subclause (I) is made shall be re-  
23 duced by 0.5 percent from the  
24 amount initially made available

1 for the account for that fiscal  
2 year; and

3 “(bb) the Director shall no-  
4 tify the head of the Federal  
5 agency of—

6 “(AA) the determina-  
7 tion under subclause (I);  
8 and

9 “(BB) the reduction  
10 under item (aa).

11 “(iv) REQUIREMENTS.—

12 “(I) AMOUNTS NOT RESTORED.—

13 A reduction in the amount that the  
14 head of a Federal agency may obligate  
15 under clause (ii)(II)(bb) or  
16 (iii)(II)(aa) during a fiscal year shall  
17 not be restored for that fiscal year,  
18 without regard to whether the head of  
19 a Federal agency completes the  
20 NEPA process for the proposed action  
21 with respect to which the Director  
22 made an initial noncompliance deter-  
23 mination or a determination under  
24 clause (iii)(I).

1 “(II) REQUIRED TIMELINES.—

2 The violation of subparagraph (B) or  
3 (C), and any action carried out to re-  
4 mediate or otherwise address the vio-  
5 lation, shall not affect any other appli-  
6 cable compliance date under subpara-  
7 graph (A), (B), or (C).

8 “(2) AUTHORIZATIONS AND PERMITS.—

9 “(A) IN GENERAL.—Not later than 90  
10 days after the date described in subsection  
11 (a)(4)(B)(ii), the head of a Federal agency shall  
12 issue—

13 “(i) any necessary permit or author-  
14 ization to carry out the proposed action; or

15 “(ii) a denial of the permit or author-  
16 ization necessary to carry out the proposed  
17 action.

18 “(B) EFFECT OF FAILURE TO ISSUE AU-  
19 THORIZATION OR PERMIT.—If a permit or au-  
20 thorization described in subparagraph (A) is  
21 not issued or denied within the period described  
22 in that subparagraph, the permit or authoriza-  
23 tion shall be considered to be approved.

24 “(C) DENIAL OF PERMIT OR AUTHORIZA-  
25 TION.—

1 “(i) IN GENERAL.—If a permit or au-  
2 thorization described in subparagraph (A)  
3 is denied, the head of the Federal agency  
4 shall describe to the project sponsor—

5 “(I) the basis of the denial; and

6 “(II) recommendations for the  
7 project sponsor with respect to how to  
8 address the reasons for the denial.

9 “(ii) RECOMMENDED CHANGES.—If  
10 the project sponsor carries out the rec-  
11 ommendations of the head of the Federal  
12 agency under clause (i)(II) and notifies the  
13 head of the Federal agency that the rec-  
14 ommendations have been carried out, the  
15 head of the Federal agency—

16 “(I) shall decide whether to issue  
17 the permit or authorization described  
18 in subparagraph (A) not later than 90  
19 days after date on which the project  
20 sponsor submitted the notification;  
21 and

22 “(II) shall not carry out the  
23 NEPA process with respect to the  
24 proposed action again.”.